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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/710,806	08/04/2004	Jerry Cummins	71483-0007	4760

7590 01/25/2007
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EXAMINER

LUGO, CARLOS

ART UNIT	PAPER NUMBER
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3676

SHORTENED STATUTORY PERIOD OF RESPONSE	MAIL DATE	DELIVERY MODE
3 MONTHS	01/25/2007	PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

If NO period for reply is specified above, the maximum statutory period will apply and will expire 6 MONTHS from the mailing date of this communication.

Office Action Summary

Application No.

10/710,806

Applicant(s)

CUMMINS ET AL.

Examiner

Carlos Lugo

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 12 January 2007.
- 2a) ☐ This action is FINAL. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 2-5, 16-41 and 43 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☒ Claim(s) 2-5, 16-27, 41 and 43 is/are allowed.
- 6) ☒ Claim(s) 28-40 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 04 August 2004 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____ |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

1. This Office Action is in response to applicant's amendment filed on January 12, 2007. After further review and consideration, a new non-final rejection has been made on the record.

Claim Rejections - 35 USC § 102

2. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) The invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

3. **Claims 28-40 are rejected** under 35 U.S.C. 102(b) as being anticipated by US Pat No 3,858,921 to Kuki.

Regarding claim 28, Kuki discloses a vehicular door handle assembly comprising a primary actuator (15) adapted to be mounted to a vehicle door and movable between a latched position and an opened position, and wherein the vehicle door is opened by a user by moving the primary actuator between the latched position and the opened position; and a secondary actuator (24) operatively associated with the primary actuator and movable between a secure position (Figure 3), wherein movement of the primary actuator from the latched position to the opened position is prevented, and a release position (Figure 4), wherein the primary actuator can move from the latched position to the opened position; wherein the primary actuator and the secondary actuator have a common actuation path so that attempted movement

of the primary actuator out of the latched position first causes the secondary actuator to be moved from the secure position to the release position.

As to claim 29, Kuki discloses that the primary actuator comprises a handle (15) with a first user interaction portion.

As to claim 30, Kuki discloses that the secondary actuator (24) comprises a trigger mounted to the handle and having a second user interaction portion.

As to claim 31, Kuki discloses that during movement of the primary actuator and the secondary actuator through the common actuation path, the user grasps both the first user interaction portion and the second user interaction portion and moves the second user interaction portion towards the first user interaction portion to move the trigger to the release position (from Figure 3 to Figure 4).

As to claim 32, Kuki discloses that the first and second user interaction portions are hand grip regions on the handle and on the trigger.

As to claim 33, Kuki discloses that the common actuation path is linear.

As to claim 34, Kuki discloses that the common actuation path is arcuate.

As to claim 35, Kuki discloses a vehicular door handle assembly comprising an actuator adapted to be mounted to a vehicle door and movable through an actuation path to an opened position, and wherein the vehicle door is opened by a user by moving the actuator to the opened position; and a latch (27) operatively associated with the actuator for selectively preventing movement of the actuator to the opened position; wherein the actuation path comprises a first portion and a second portion, and movement of the actuator through the first portion (from Figure 3 to Figure 4)

deactivates the latch so that the actuator can move through the second portion to the opened position, and wherein the first portion and the second portion of the actuation path are serially aligned and substantially indistinguishable to a user during attempted movement of the actuator to the opened position.

As to claim 36, Kuki discloses that the actuator comprises a secondary actuator (24) movable to a release position during the first portion of the actuation path for deactivating the latch (from Figure 3 to Figure 4).

As to claim 37, Kuki discloses that the actuator has a first user interaction portion (body of 15) for moving the actuator to the opened position, the secondary actuator has a second user interaction portion (body of 24) for moving the secondary actuator to the release position, and wherein the second user interaction portion is aligned with at least a portion of the first user interaction portion so that the attempted movement of the actuator to the opened position first causes the secondary actuator to be moved through the first portion of the actuation path.

As to claim 38, Kuki discloses that the actuator comprises a handle (15), and the first user interaction portion comprises a handle hand grip region.

As to claim 39, Kuki discloses that the secondary actuator comprises a trigger (24) mounted to the handle, and the second user interaction portion comprises a trigger hand grip region.

As to claim 40, Kuki discloses that during the attempted movement of the actuator to the opened position, the user grasps both the handle hand grip region and

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the trigger hand grip region and moves the trigger hand grip region towards the handle hand grip region during the first portion of the actuation path.

Allowable Subject Matter

4. **Claims 2-5,16-27,41 and 43 are allowed.**
5. The prior art fails to disclose that the latch comprises at least one flange that is received in a groove defined by the at least one pair of arms at the secondary actuator cam member.

Response to Arguments

6. After further review and consideration, a new non-final rejection has been made on the record, rejecting the claims in view of Kuki '921.

Conclusion

7. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Carlos Lugo whose telephone number is 571-272-7058. The examiner can normally be reached on 10-7pm EST.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Brian Glessner can be reached on 571-272-6843. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300. Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>.

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Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

A handwritten signature in black ink, appearing to read 'CLG', is positioned above the printed name and title.

Carlos Lugo
Patent Examiner
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January 22, 2007.